



U.S. Department of Justice

*United States Attorney  
Eastern District of New York*

BWB:TJS  
F.#2010R00013

*271 Cadman Plaza East  
Brooklyn, New York 11201*

September 12, 2011

**By Mail and ECF**

Salvatore E. Strazzullo, Esq.  
Strazzullo Law Firm, P.C.  
7101 18th Avenue  
Brooklyn, NY 11204

Re: United States v. Stefano Scalisi  
Criminal Docket No. 10-046 (SJ)

Dear Mr. Strazzullo:

I write with respect to your request for evidence for the purpose of DNA testing. As discussed during the July 29, 2011 status conference and during our August 3, 2011 telephone conference, the government is willing to provide a sample of each of the three band-aids in our possession to the accredited laboratory of your choosing. The sample would consist of 50% of each band-aid.

You indicated during our August 3, 2011 call that this was insufficient and that, if the government provided discovery as proposed, the defense intended to argue at trial that the government had provided insufficient discovery. As I stated in response, if that is the defendant's position, the defense should move to compel production of the entire sample it seeks for DNA testing so that the issue can be resolved by Judge Johnson. If the defendant's position has changed, please let me know in writing so that the samples of each band-aid can be provided.

Pursuant to your request, enclosed please find a CD-ROM containing a redacted copy of the Office of the Chief Medical Examiner file related to DNA testing in this case, previously produced on April 29, 2011 (Bates-numbered 162 to 495).

2

If you have any questions or further requests, please do not hesitate to contact me. The government renews its request for reciprocal discovery.

Very truly yours,

LORETTA E. LYNCH  
United States Attorney

By: /s/  
Tyler J. Smith  
Assistant United States Attorney  
(718) 254-6168

Enclosures

CC: Clerk of Court (SJ)(ECF)(w/o enclosures)